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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,189	11/08/2001	Steve Somers	238 P003'	5701

7590 09/20/2002  
Russell E. Hattis  
1640 Jasmine Court  
Highland Park, IL 60035

EXAMINER

DANGANAN, JONI BALDOS

ART UNIT PAPER NUMBER

3723

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,189

Applicant(s)

SOMERS, STEVE

Examiner

Joni B. Danganan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:

(a) page 2, line 31, change "3C-3C" to --3D-3D--;

(b) page 4, line 13, delete "thee"; and

(c) page 6, line 3, change "40b and 40" to --40a' and 40a"--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 1-2 recites an assembly of "socket wrench-making parts forming or to form a wrench." This is confusing. Are these parts "making" a socket wrench? "Forming or to form"?

Regarding claims 1 and 5, the phrase "or the like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

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Claim 1 recites the limitation "their inner ends" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the outer axially facing end" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "the defining walls" in lines 15-16. There is insufficient antecedent basis for this limitation in the claim.

The recitation in Claim 1, line 18 of "or other fastening means" is indefinite. What comprises "other fastening means"?

Claim 4, line 1, change "i whewrein" to --1 wherein--.

Claim 5, line 3, change "socket1" to --socket--.

Claim 5 recites the limitation "the inner end" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "the defining walls" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation "said wrench-forming parts" in line 15. There is insufficient antecedent basis for this limitation in the claim.

The recitation in Claim 5, lines 16-17 of "or other fastening means" is indefinite. What comprises "other fastening means"?

Claim 6 recites the limitation "said wrench body" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 6, line 2, change "mean" to --means--.

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***Double Patenting***

4. Applicant is advised that should claim 4 be found allowable, claim 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

6. Claim 5 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Bollinger 6,269,717.

Fig. 2 of Bollinger discloses the claimed invention.

7. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gramera et al. 5,048,379.

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8. Claim 5 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Learning 6,109,142.

9. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Jarvis 6,092,441.

Jarvis discloses a pivotable assembly (Fig. 2) wherein sockets and adapters of various sizes may be attached thereto (column 5, lines 10-13), as shown in Figs. 6-11 these sockets and adapters include outer and inner bores of different sizes.

### *Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hsiao 5,186,083 discloses double-ended sockets (40) similar to the disclosed invention.

Allen et al. 4,936,701 and Fig. 4 of Chabot, Jr. et al. 5,409,332 disclose universal joints with sockets on either ends of the joints.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joni B. Danganan whose telephone number is 703-305-5930.

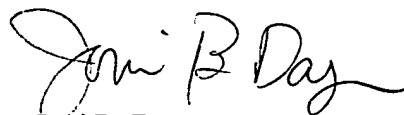
The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-3270 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

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A handwritten signature in black ink, reading "Joni B. Danganan". The signature is fluid and cursive, with the first name "Joni" and last name "Danganan" clearly legible, and the middle initial "B." in the center.

Joni B. Danganan

Examiner

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jbd

September 16, 2002